

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSE ALFREDO SUAREZ,

Plaintiff,

v.

O. VALLADOLID, et al.,

Defendants.

No. 1:22-cv-00160-SAB (PC)

ORDER GRANTING PLAINTIFF'S MOTION  
FOR EXTENSION OF TIME TO FILE  
MOTION FOR RECONSIDERATION

(ECF No. 95)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case is currently set for jury trial on August 6, 2024.

Currently before the Court is Plaintiff's motion for an extension of time to file a motion for reconsideration of the Court's May 1, 2024 denying his request for attendance of incarcerated witnesses at trial. (ECF No. 95.)

Rule 60(b)(6) allows the Court to relieve a party from an order for any reason that justifies relief. Rule 60(b)(6) "is to be used sparingly as an equitable remedy to prevent manifest injustice and is to be utilized only where extraordinary circumstances ..." exist. Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008) (internal quotations marks and citation omitted). The moving party "must demonstrate both injury and circumstances beyond his control...." Id. (internal quotation marks and citation omitted). In seeking reconsideration of an order, Local Rule 230(j) requires Plaintiff to show "what new or different facts or circumstances are claimed to exist which did not

1 exist or were not shown upon such prior motion, or what other grounds exist for the motion.”

2 A motion for reconsideration pursuant to Rule 60 of the Federal Rules of Civil Procedure  
3 must be filed “within a reasonable time,” and for subsections (1)–(3), the reconsideration motion  
4 must be filed within a year after the entry of judgment. Fed. R. Civ. P. 60(c)(1). Thus, Plaintiff’s  
5 motion for an extension of time to file a Rule 60(b) motion appears unnecessary based on the rule  
6 regarding the timing of 60(b) motions. Nevertheless, Plaintiff shall be granted twenty days from  
7 the date of service of this order to file a motion for reconsideration.

8 Good cause appearing, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff’s motion for an extension of time (ECF No. 95) is granted;
- 10 2. Plaintiff’s motion for reconsideration of the Court’s May 1, 2024 order shall be  
11 filed within twenty (20) days of the date of this order.

12  
13 IT IS SO ORDERED.

14 Dated: May 15, 2024

  
UNITED STATES MAGISTRATE JUDGE